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May 24, 2018

Hand-DeliveredW. Carl Richards, Jr., Supervisor
Zoning Review Office
Department of Permits, Approvals
and Inspections
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204**Re: REQUEST FOR SPIRIT AND INTENT VERIFICATION)
RELATED TO CASE NOS. R-1957-4077, 1972-41-A, 74-102-SPHA**Location: 1021 Carroll Island Road
Parcel No. 141, Tax Account No. 1502001277
Legal Owner: CP Crane LLC
15th Election District, 6th Councilmanic District

Dear Mr. Richards:

This firm represents CP Crane, LLC ("CP Crane"), the legal owner of the above-referenced property, which consists of 88 ± acres and is located adjacent to and on the south side of Carroll Island Road in the Middle Rover area of Baltimore County (the "Property"). The Property is now split-zoned RC5 (Rural-Residential Zone) and RC20 (Critical Area). Copies of printouts from the State Department of Assessments and Taxation website for the Property are enclosed for your review and convenience. I am writing to confirm that improvements planned for the Property and the intended use of the Property are within spirit and intent of the prior special exception approved in Case No. R-1957-4077 and two subsequent zoning cases and that no additional zoning relief and/or a public hearing before the Administrative Law Judge will be required for the intended improvements to and use of the Property, as described in this letter below.

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Currently, a coal-fired power plant is located on the Property and has been for over 50 years. In its current configuration, the power plant has two nominal 200 megawatt coal-fired boilers and steam turbines and one diesel fueled GE Frame 5 combustion turbine. The planned repowering project by CP Crane on the Property, as shown and indicated on the enclosed site plan, labeled “Plan to Accompany Spirit and Intent Request” and dated May 17, 2018, will involve the design, construction, and operation of the following for conversion to a natural gas and ultra-low sulfur diesel power plant:

- Three state-of-the-art natural gas and ultra-low sulfur diesel (“ULSD”) fired GE LM6000 aero-derivative combustion turbines (hereinafter “CTs”);

- Liquid ULSD oil handling, piping, and storage, including a liquid fuel unloading area, and fuel tanks;

- A natural gas compression station with associated treatment, piping, and regulation equipment;

- Water treatment and wastewater handling facilities;

- Electrical interconnection facilities, including GSU transformers; and

- Related ancillary equipment to support the overall operation.

The electric generation units and associated equipment will be constructed on a portion of the approximately 88 ± acre Property, as shown on the site plan. Several existing power plant components will be demolished to allow space for the new site layout and improvements listed above. These components to be removed include a Unit 2 air heater, a Unit 2 dust collector, a Unit 2 electrical control and vacuum blower building, and urea storage tanks, all of which are shown on the site plan. These components are currently located on the south west side of the existing boiler structure. The Project will also result in the permanent retirement of the two existing coal-fired generating units and the installation of the three CTs and associated ancillary equipment. The existing GE Frame 5 CT will remain. The GE LM6000 CTs selected for the Repowering Project incorporate the latest advancements in clean, energy-efficient electrical power generation. They are expected to serve as peaking units (i.e., providing power during periods of high demand) and operate at an annual capacity factor of up to 30 percent. Clean natural gas will be their primary fuel (via the existing natural gas pipeline), but they will also be capable of firing ULSD in situations when natural gas is not available in sufficient

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quantities. The project may also include a battery energy storage system at some time in the future.

By way of brief history, in Zoning Case No. R-1957-4077 (the "1957 Case"), a special exception was granted for a steam electric generating station and related facilities. Subsequent to this 1957 Case, in Case No. 1972-41-A (the "1972 Case"), variances were granted, which related to "dock and sheet piling" on the Property. In a later case, Case No. 74-102-SPHA (the "1974 Case"), a special hearing was granted for an amendment to the prior approved special exception to permit construction of a propane storage facility with the existing special exception and a variance for the height of storage tank. Following these zoning cases, a series of administrative approvals were granted relating to power plant operations on the Property by way of spirit and intent letter requests, which related to the following:

2003 Spirit and Intent ("S & I") Letter – For a temporary change of coal operations;

June, 2005 S & I Letter – Alternative for barging of coal to the Property;

July 2005 S & I Letter – Confirmation of no zoning relief required for equipment 110 + feet in height;

2008 S & I Letter – For repairs and site improvements including coal safety yard modifications, installation of additional air quality emissions control equipment and other related site improvements; and

2011 S & I Letter – For improvements to facilitate addition of coal additives for improvement of boiler operations and reduction of air emissions.

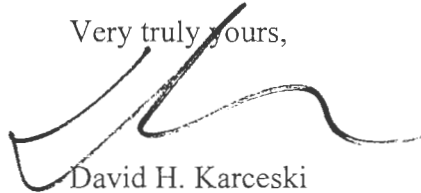
The purpose of this letter is to confirm that conversion of the current improvements on the Property from a coal-fired power plant to a new state-of-the art natural gas/ULSD power plant, as shown and indicated on the enclosed site plan, is within the spirit and intent of 1957 Case and the subsequent 1972 and 1974 zoning cases for the Property. The intended use of the Property by CP Crane will continue to be a power plant and the overall operations on the Property for power plant purposes will be confined to and not extend outside of the special exception area originally approved in the 1957 Case. For these reason, please confirm on behalf of your office, by your countersignature below, that the site improvements and changes to the operation of the power plant use, as described in this letter and shown on the enclosed site plan, are within the

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spirit and intent of the prior zoning cases applicable to the Property and that no additional zoning relief and/or another public hearing before the Administrative Law Judge will be required at this time.

I have enclosed with this letter a check in the amount of \$500.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you have any questions or require any additional information regarding this request, please feel free to contact me. I appreciate your attention to this matter.

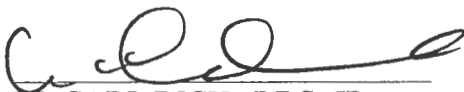
Very truly yours,



David H. Karceski

DHK
Enclosure

REVIEWED AND APPROVED



W. CARL RICHARDS, JR.
ZONING REVIEW OFFICE

5/30/18
DATE

Baltimore County - My Neighborhood



74-130-A #74 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ernest C. Talley, et ux, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3C.1 to permit a rear yard setback of thirty (30) inches instead of the required thirty (30) feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

- Existing dwelling is situated on the lot in a non-conforming status.
- Placement of the proposed structure lessens the potential visual obstruction to adjacent properties.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Ernest C. Talley
Legal Owner: Ernest C. Talley
Address: 3118 Lynch Road, 21219
Baltimore, Maryland 21219
Petitioner's Attorney: [Signature]
Protestant's Attorney: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day

of October 1973, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of November 1973, at 10:00 o'clock.

Zoning Commissioner of Baltimore County, 10/26/73
(over)

DESCRIPTION FOR VARIANCE

Being located at the intersection of the northwest side of Lynch Road and the southwest side of Martha Avenue and known as Lot Nos. 25 and 26 of Block 2 of the Plat of Lynch Point, recorded amongst the Land Records of Baltimore County in Plat Book W.P.C. No. 6, folio 38. Also known as 3118 Lynch Road.

RE: PETITION FOR VARIANCE
from Section 1802.3C.1 of
the Baltimore County
Zoning Regulations
NW corner of Lynch Road
and Martha Avenue
15th District
Ernest C. Talley
Petitioner
BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 74-120-A

OPINION

This case comes before the Board on an appeal by the Protestants from an Order of the Deputy Zoning Commissioner of Baltimore County dated December 20, 1973 granting the petitioned Variance.

The Petitioner herein seeks a variance from Section 1802.3C.1 of the Baltimore County Zoning Regulations to permit a rear yard setback of thirty (30) inches instead of the required thirty (30) feet. Although the Petitioner did not amend his request, all of the testimony and evidence indicates that if the variance is to be granted, a variance of twenty-eight (28) inches will be required to provide relief to the Petitioner. The thirty (30) inches requested, from the testimony in evidence, appears to be insufficient to serve the intended purpose.

The subject property is located on the northwest corner of Lynch Road and Martha Avenue, known as 3118 Lynch Road, in the 15th Election District of Baltimore County. The property is zoned D.R. 5.5 and is improved by a one story brick dwelling. The lot has a frontage of approximately 153 feet on Martha Avenue, and a depth of 50 feet along Lynch Road. Lynch Road is a very desirable residential area developed in a D.R. 5.5 classification.

The Petitioner testified that prior to the construction of the addition, he contacted the Baltimore County Building Department with regards to obtaining a building permit for the shed. Since the proposed shed had less than 100 square feet of area, Mr. Talley, the Petitioner, was informed that a permit would not be necessary. Thus, the construction was begun on the addition, and was completed.

The next door neighbor registered a complaint with the Building Department and a hearing was held. At the hearing it was learned that the addition was attached to

RE: PETITION FOR VARIANCE
NW corner of Lynch Road and
Martha Avenue - 15th District
Ernest Talley - Petitioner
NO. 74-120-A (Item No. 74)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Variance to permit a rear yard setback of 30 inches for a shed addition attached to the rear of a dwelling instead of the required 30 feet. The property in question is located on the southwestern corner of Lynch Road at Martha Avenue, and is presently improved with the dwelling, attached shed and carport. The property has 50 foot of frontage on Lynch Road with a depth or frontage of 135 feet along Martha Avenue.

Testimony indicated that the front foundation wall extends 44 feet along Martha Avenue with a rectangular depth of 26 feet along the foundation wall siding on Lynch Road. The entrance to the dwelling is from Martha Avenue. No entrance is provided from Lynch Road. The front foundation wall is located 15 feet from the right of way of Martha Avenue, and the rear foundation wall is located nine feet from and parallel to the property line that divides the subject property from the adjoining residence.

Prior to constructing the addition, the Petitioner contacted Baltimore County Buildings Department with regard to obtaining a building permit for the shed. Since the proposed shed was less than 100 feet in area, Mr. Ernest Talley was informed that a permit would not be necessary. After construction was begun, the adjoining neighbor, whose dwelling lies closest to the addition, voiced an objection with Mr. Talley. However, on being informed that a permit and/or approval had been obtained from Baltimore County, the complaint was not pursued with the County Buildings Department.

Ernest C. Talley - No. 74-120-A

The main dwelling. Mr. Talley was told at this hearing that had they (Baltimore County) known that this shed was to be attached to the main dwelling, he would have had to go through Zoning, and would have had to get a permit.

The hearing before the Building Department was approximately two years after the construction of the shed.

The Board feels that it would be a practical difficulty to require the Petitioner to expend additional monies to tear down and relocate the shed. The residents need have no fear that the granting of this variance would lead to the granting of other variances in the neighborhood, as each case must be decided on its merits, and the petitioner in each case must prove "practical difficulty or unreasonable hardship", as did the Petitioner in this case. Further, the Board finds that the granting of the variance here will not substantially injure the public health, safety or general welfare.

Therefore, it is the opinion of this Board that the above variance to permit a rear yard setback of twenty-eight (28) inches for a shed addition instead of the required thirty (30) feet should be granted, subject to the restrictions set out in the attached Order.

ORDER

For the reasons set forth in the foregoing Opinion, the Board affirms in principle the Order of the Zoning Commissioner dated December 20, 1973, and it is this 6th day of January, 1974, by the County Board of Appeals ORDERED, that the Variance petitioned for be and the same is hereby GRANTED, subject to the following restrictions:

- That there shall be no storage of any flammable substance in the shed at any time
- That planting and landscaping adjacent to the shed must be maintained.

Any appeal from this decision must be in accordance with Chapter 1100,

The Fire Department was contacted and requested to inspect the shed for a possible fire hazard. It was felt that the storage of lawn mowers and gasoline in close proximity to their dwelling would result in a hazardous condition. The inspection by the Fire Department was negative in that they found no gasoline stored in the shed.

On advise from their insurance agent, complaints were, at that time, registered with the Buildings Department. The Buildings Department, after being informed that the shed was attached to the dwelling, scheduled a hearing. At the hearing, it was determined that a permit and zoning approval would have been required in the beginning had they known that the shed was to be attached to the dwelling. The Petitioner was asked to remove, relocate or obtain Zoning Variances to legalize the setback of the dwelling as extended by the shed addition.

After reviewing the above testimony and evidence as well as making an on site field inspection of the site, it is the opinion of the Deputy Zoning Commissioner that even though the shed can apparently be located on the Petitioner's property without the necessity of a Variance, its present location does represent a convenient and aesthetically pleasing location on the Petitioner's property. The Petitioner did seek a permit and was informed that none was required. In view of these facts it would be a hardship on the Petitioner to remove or relocate the shed at this time, and the Variance, with certain restrictions, should be granted. If gasoline were to be stored in the shed in its present location, a fire hazard could exist, and any such storage should be restricted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 20th day of December 1973, that the above Variance to permit a rear yard setback of 30 inches for a shed addition instead of the required 30 feet, should be and the same is granted, from and after the date of this Order subject to the following restrictions:

Ernest C. Talley - No. 74-120-A

subrule B of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert L. Gilland, Acting Chairman
John A. Miller
Walter C. Harris

- That no gasoline be stored in the addition at any time.
- Planting and landscaping adjacent to the addition be maintained.

Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE December 21, 1973
BY [Signature]

ORDER RECEIVED FOR FILING
DATE December 21, 1973
BY [Signature]

N. FRANK LANOCHA
ATTORNEY AT LAW

100 S. Charles Street
Baltimore, Maryland 21202
RESIDENCE (301) 454-0170
OFFICE (301) 454-0170

14 January 1973

Zoning Commissioner
County Office Building
Towson, Maryland, 21204

RE: Petition for Variance
1/8 Corner of Lynch Road
Martha Avenue - 15th District
Ernest Talley - Petitioner
No. 74-120-A (Item No. 73)

To Whom It May Concern:

Please enter an appeal in the above captioned matter, on behalf of the complainants, Mr. Arthur Lanocha, of 111 Lynch Road.

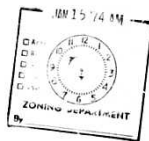
My check in the amount of \$25.00, is enclosed to cover costs of same.

Also please, enter the appearance of the writer as counsel to said complainants.

Very truly yours,
N. Frank Lanocha

IFL:tz

CC: N. Lanocha



December 20, 1973

Mr. Ernest C. Talley
3118 Lynch Road
Baltimore, Maryland 21219

RE: Petition for Variance
1/8 corner of Lynch Road Martha
Avenue - 15th District
Ernest Talley - Petitioner
NO. 74-120-A (Item No. 74)

Dear Mr. Talley:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/me

Attachment

cc: Mr. and Mrs. Frank Lanocha
3116 Lynch Road
Baltimore, Maryland 21219

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: November 23, 1973

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition 74-120-A, Northeast corner of Lynch Road and Martha Avenue
Petition for Variance for a Rear Yard.
Petitioner - Ernest C. Talley

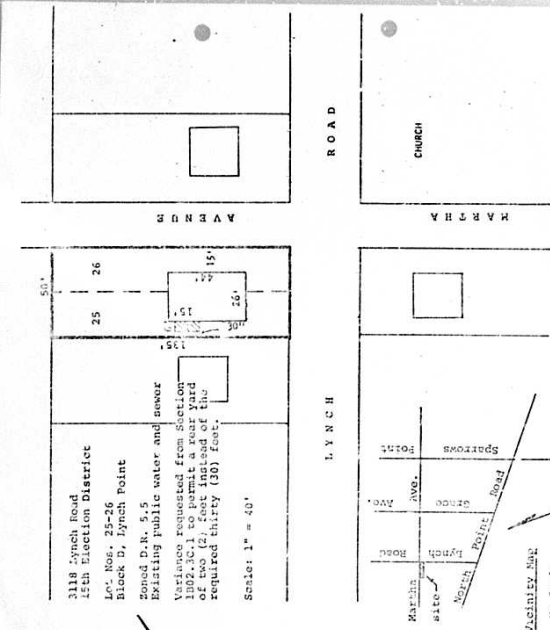
15th District

HEARING: Monday, November 26, 1973 10:00 A.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition and has no comments to make at this time.

William D. Fromm
William D. Fromm, Director
Office of Planning and Zoning

WDF:NEG:rw



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Ernest C. Talley
3118 Lynch Road
Baltimore, Maryland 21219

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing
this 29th day of October, 1973

S. Eric DiMenna
S. ERIC DIMENNA
Zoning Commissioner

Petitioner Ernest C. Talley, et ux

Petitioner's Attorney

Reviewed by

John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 6, 1973

Mr. Ernest C. Talley
3118 Lynch Road
Baltimore, Maryland 21219

RE: Variance Petition
Item 74
Ernest C. Talley, et ux - Petitioners

Dear Mr. Talley:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northwest corner of Lynch Road and Martha Avenue, in the 15th District of Baltimore County.

This DR 5.5 property is currently improved with a one story, brick ranch home on a 50x135 foot lot.

The petitioner has constructed a metal like shed on the westernmost side of this property, at a distance 30' from the property line.

There are existing dwellings on either side of the property as well as on the opposite side of the street.

Mr. Ernest C. Talley
Item 74
November 6, 1973

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
JOHN J. DILLON, JR., Chairman
Zoning Advisory Committee

JJD:JJD
Enclosure



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#74-120-A

District 15th Date of Posting 11-2-73
Posted for: Hearing Monday Nov 26 1973 9:15 AM
Petitioner: Ernest C. Talley
Location of property: N.W. Corner of Lynch Rd & Martha Ave
Location of Signs: on lot at N.W. Corner of Lynch Rd & Martha Ave
Remarks: _____
Posted by: Michael H. Hara Signature Date of return: 11/16/73

Appeal
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#74-120-A

District 15th Date of Posting Jan 31-74
Posted for: _____
Petitioner: Ernest C. Talley
Location of property: N.W. Corner of Lynch Rd & Martha Ave
Location of Signs: 1 sign posted on lot for Jan 31 1974
Remarks: sign moved by Mr. Talley back to edge of lot & should it
be 2-5-74. It can be read from road
Posted by: Michael H. Hara Signature Date of return: 2-7-74

BALTIMORE COUNTY, MARYLAND No. 12740
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Nov. 23, 1973 ACCOUNT 01-662

AMOUNT \$10.50

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Money Order #1069890
Advertising and posting of property for Ernest C. Talley - #74-120-A 40.50 CASH

BALTIMORE COUNTY, MARYLAND No. 14725
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE April 17, 1974 ACCOUNT 01-662

AMOUNT \$5.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

N. Frank Lanocha, Esquire
Cost of Posting Property of Ernest C. Talley for an Appeal Hearing
NW corner of Lynch Road and Martha Avenue - 15th District
Case No. 74-120-A 50.00 CASH

BALTIMORE COUNTY, MARYLAND No. 12712
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Nov. 2, 1973 ACCOUNT 01-662

AMOUNT \$25.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Money Order #17-06381
Petition for Variance for Ernest C. Talley #74-120-A 25.00 CASH

BALTIMORE COUNTY, MARYLAND No. 13053
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE JANUARY 16, 1974 ACCOUNT 01-662

AMOUNT \$35.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

N. Frank Lanocha, Esquire
Cost of Filing of an Appeal on Case No. 74-120-A
NW corner of Lynch Road and Martha Avenue - 15th District
Ernest C. Talley - Petitioner 35.00 CASH

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received* this 16th day of August 1973, Item # _____

R. D. Hara
S. Eric D. Hara
Zoning Commissioner

Petitioner Talley Submitted by Talley
Petitioner's Attorney _____ Reviewed by JBH

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

